

## NOTICE OF EMERGENCY RULE PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172, 6192, and 6193

**RULE PROMULGATION:** DMR Regulation 95.04 QQ, Closed Area No. 36-D, Penobscot River, Lower Bagaduce River and Grindles Eddy, Towns of Castine, Penobscot and Brooksville

**TEXT OF RULE:** DMR Regulation 95.04 QQ, Closed Area No. 36-D, Penobscot River, Lower Bagaduce River and Grindles Eddy, Towns of Castine, Penobscot, and Brooksville

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the flats and waters of the Castine Peninsula that lie shoreward (east) of a line beginning at a red painted post located about 0.2 mile west of the junctions of Routes 166 and 175 (at West Penobscot) and running southwest to the western tip of Turner Point, Castine, then running south to the western tip of Perkins Point, then running south to the western tip of Blockhouse Point; then following the lowest tide mark to the southern tip of Dice Head; AND the shores, flats and waters of the Bagaduce River inshore (north and west) of a line beginning at the southern tip of Dice Head, Castine, and running east to the northern tip of High Tide Island, then northeast to the southern tip of Lower Negro Island, then running north to the eastern point on Upper Negro Island, then running northwest (about 0.2 miles) to a red painted post on the western shore of the Bagaduce River.

B. Effective May 1 through October 31, the Bagaduce River will be closed **between** a line running north from the northern point of Jones Point, Brooksville to the nearest opposite shore of the so called "Grindle Eddy Narrows", Penobscot and a line from the west point of Jones Point, Brooksville west to the nearest opposite shore.

EFFECTIVE DATE: February 28, 2006

EFFECTIVE TIME 11:15 AM

AGENCY CONTACT PERSON: Amy Fitzpatrick  
Department of Marine Resources  
194 McKown Point Road  
West Boothbay Harbor, Maine 04575  
[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

BANGOR DAILY NEWS:  
March 4, 2006

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources promulgates the emergency DMR Regulation 95.04 QQ, Closed Area No. 36-D, Penobscot River, Lower Bagaduce River and Grindles Eddy, Towns of Castine, Penobscot and Brooksville. This new regulation is an administrative change that separates the prohibited areas from the Smith and Tom Cod Coves conditionally approved area described in Closed Area No. 36.

Department personnel have surveyed and sampled the area and have determined that this closed area is subject to intermittent microbiological pollution and will remain closed to protect the public health.

  
DAVID ETNIER  
DEPUTY COMMISSIONER



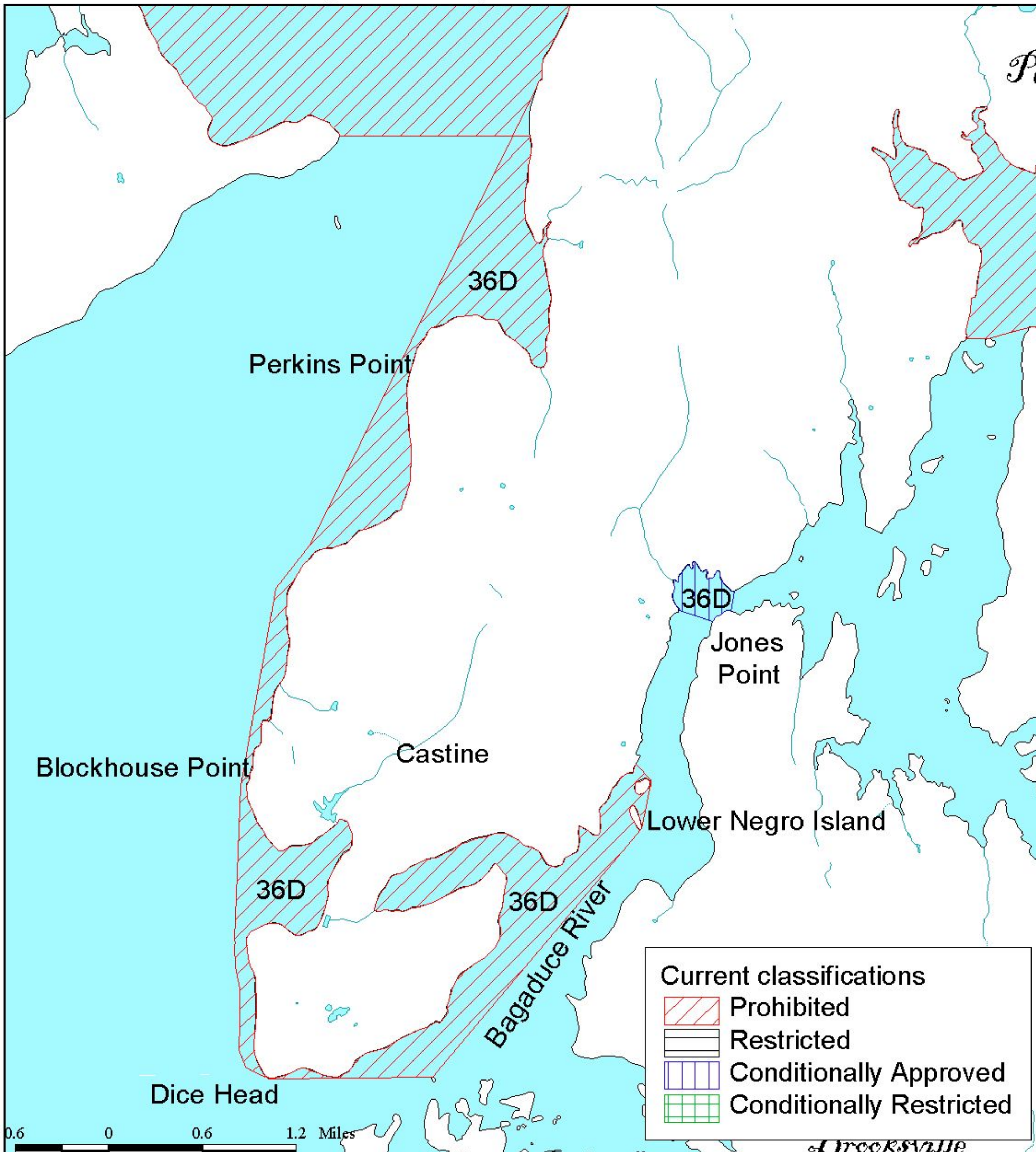


# Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area  
For: Brooksville Castine Penobscot



## C36D- Penobscot River , Lower Bagaduce River and Grindles Eddy February 28,2006



THERE MAY BE OTHER CLOSURES IN THIS MAP VIEW